

**Washington County Land Use Authority Meeting  
August 12, 2014**

The Washington County Land Use Authority Meeting was held Tuesday, August 12, 2014 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Chairman Doug Wilson at 1:3 p.m.

Commissioners present: JoAnn Balen, Deborah Christopher, Dave Everett, Kim Ford, Rick Jones, and Mike Stucki.

Staff present: Scott Messel, Planning & Zoning Administrator; Eric Clark, Deputy County Attorney; Kurt Gardner, Building Official; Doreen Bowers-Irons, Planning Secretary; Kim Hafen, County Clerk.

Miss Dylann DePompei led the Pledge of Allegiance.

**I. CONDITIONAL USE PERMIT.** Review of one year extension for the communication tower site on Parcel 7140-A-1-N-NW; which is 1 acre of land in Veyo. Zoned RA-1 (Residential Agricultural 1 acre minimum lot size); Applicant: Robert Tripp and IntelliSites LLC/Debbie DePompei.

Mr. Messel reported Insite/IntelliSites received a conditional use approval extension in 2013 for a wireless communication tower site on a portion of Parcel 7140-A-1-N-NW. IntelliSites will be leasing the ground from Robert Tripp, who is the property owner. The proposed 30' x 40' site will be fenced and have a double swing gate for access on the south side of the enclosure. The site will include a 100' lattice tower. Since work has not started on the site, the applicants are requesting an extension to the conditional use approval.

**Recommendation:**

The Planning Commission may approve the conditional use permit extension based on the following findings:

1. The request has previously been approved.
2. The site meets the applicable Washington County Code.
3. Public utilities are a conditional use in the RA-1 (Residential Agricultural 1 acre minimum lot size).

Chairman Wilson asked about additional conditions placed on the project. He thought one of the conditions required a fence. Mr. Messel responded the project included a fence so that condition was not added.

Debbie DePompei reported they are still working to secure anchor tenants to locate on the tower. They met with potential clients in Salt Lake City a few months ago. T-Mobile is reviewing the site. They are looking to build out the rural areas for their service. The hope is that they will approve the site and budget to locate onto the tower. She asked for another year extension.

There were no additional questions or comments on the project.

**MOTION:** Commissioner Stucki **MOVED** to approve the conditional use permit extension request for a communication tower site on Parcel 7140-A-1-NW, which is 1 acre of land in Veyo. Zoned RA-1 Zoned RA-1 (Residential Agricultural 1 acre minimum lot size); Applicant: Robert Tripp and IntelliSites LLC/Debbie DePompei with the findings and conditions previously placed on the project. Commissioner Christopher **SECONDED**. Chairman Wilson called for discussion on the motion.

**There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.**

Ms. DePompei thanked the commission for approval and for allowing Miss DePompei to say the pledge.

**II. CONDITIONAL USE PERMIT.** Review of one year extension for Gypsum Mining Operation located on BLM land in Section 24, T43S, R17W, SLB&M west of Bloomington. Zoned OSC-20 (Open Space Conservation 20 acre minimum lot size); Applicant: Good Earth Minerals.

Mr. Messel reported Good Earth Minerals has requested a conditional use extension for the Gypsum Mine that was approved several years ago. They have told staff that they will be securing a long term off-take order for the high purity calcium sulfate which is contained in the deposit within the next several months. Once orders are secured, improvements to the access road will begin. They are also working on obtaining the needed water.

**Recommendation:**

The Planning Commission may approve the conditional use permit extension for a Gypsum Mine based on the following findings and conditions of the original approval in the July 10, 2014 Planning Commission Meeting:

1. A record of decision has been issued by the BLM for this mining activity which includes all of BLM's conditions and requirements.
2. Any equipment, crushers and such that eject emissions into the air is accompanied by a permit from the State Division of Air Quality.
3. That the air emissions from this site will be monitored by the Utah State Division of Air Quality.
4. Water shall be secured for the use before the improvements can take place.
5. There shall be no onsite storage of explosives.
6. Site plan submitted complied with County Ordinances.
7. The proposed conditional use is consistent with the OSC-20 zone.
8. The hours of operation have been identified from dawn to dusk.
9. The applicants have met the development standards required by State and County Law.
10. The use complies with all applicable provisions of Washington County ordinances, state and federal law.
11. The use is not detrimental to the public health, safety and welfare of persons residing or working in the nearby vicinity.
12. The use is consistent with the characteristics and purposes stated in the general plan, as amended.
13. The use is consistent with the characteristics and purposes stated for the zone.
14. The site plan review meets traffic safety conditions, adequate utility capacity; adequate emergency access; adequate parking; lighting and signage.
15. Requirements for the management and maintenance of facilities are adequate.
16. The use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads, utilities, emergency vehicle access, etc.
17. A plan for reclamation of land that complies with all applicable provisions of Washington County ordinances.
18. Meets specific review standards for mining operations; Noise and dust pollution shall not negatively impact surrounding uses in existence at the time the conditional use is approved by the county commission; Road ingress and egress are sufficient to allow safe travel for vehicle and pedestrians surrounding the conditional use. The hours of operation for crushing, processing or hauling aggregate do not significantly negatively impact surrounding uses in existence at the time the conditional use is granted. There may be restrictions on the hours of operation and roads

available for the conditional use in areas where there are schools or residences in close proximity to the operation.

19. The request meets the applicable county codes.
20. Dust shall be controlled to St. George City standards.
21. Blasting hours shall be between the hours of 9:00 am to 3:00 pm only.
22. Sound shall not impact surrounding areas and shall be during operating hours only.
23. Proof of water for site must be submitted.
24. Traffic shall not negatively impact Highway 91 or other traveled routes.
25. A plan of reclamation shall be met.
26. Additional signage shall be installed indicating large trucks along haul routes.
27. The applicant must follow all State, Federal and Local laws.

Chairman Wilson asked if there had been any significant changes to the site. Mr. Messel answered no.

Commissioner Everett asked about the original approval and changes that were made regarding monitoring of the air quality. Mr. Messel explained the monitoring change modifications, which were removed at the last meeting.

Fred Johnson, consulting geologist reported GEM Mining Company has been working diligently over the past 18 months to start mining on the site. They are working on getting some large off-take agreements in place to move forward. GEM will not disturb the site until they have firm commitments from their markets to ensure their markets are secure. They are moving forward on acquiring orders. They have a proposed closing date with a large international company on an agreement for November 28, 2014. A letter was supplied to Mr. Messel during a meeting we had with him regarding the future of the mine. He asked the commission grant the extension.

Commissioner Everett asked what the basis for the right to mine and what type of permit from BLM was given to GEM. Mr. Johnson explained the process they went through with BLM.

There were no other comments or questions for this item.

**MOTION: Commissioner Christopher MOVED to approve the conditional use permit extension request for one year for the Gypsum Mining Operation located on BLM land in Section 24, T43S, R17W, SLB&M west of Bloomington. Zoned OSC-20 (Open Space Conservation 20 acre minimum lot size); Applicant: Good Earth Minerals with the following findings and conditions:**

1. A record of decision has been issued by the BLM for this mining activity which includes all of BLM's conditions and requirements.
2. Any equipment, crushers and such that eject emissions into the air is accompanied by a permit from the State Division of Air Quality.
3. That the air emissions from this site will be monitored by the Utah State Division of Air Quality.
4. Water shall be secured for the use before the improvements can take place.
5. There shall be no onsite storage of explosives.
6. Site plan submitted complied with County Ordinances.
7. The proposed conditional use is consistent with the OSC-20 zone.
8. The hours of operation have been identified from dawn to dusk.
9. The applicants have met the development standards required by State and County Law.
10. The use complies with all applicable provisions of Washington County ordinances, state and federal law.

11. The use is not detrimental to the public health, safety and welfare of persons residing or working in the nearby vicinity.
  12. The use is consistent with the characteristics and purposes stated in the general plan, as amended.
  13. The use is consistent with the characteristics and purposes stated for the zone.
  14. The site plan review meets traffic safety conditions, adequate utility capacity;; adequate emergency access; adequate parking; lighting and signage.
  15. Requirements for the management and maintenance of facilities are adequate.
  16. The use shall not result in a situation which will create a need for essential services which cannot be reasonably met by local service providers, including roads, utilities, emergency vehicle access, etc.
  17. A plan for reclamation of land that complies with all applicable provisions of Washington County ordinances.
  18. Meets specific review standards for mining operations; Noise and dust pollution shall not negatively impact surrounding uses in existence at the time the conditional use is approved by the county commission; Road ingress and egress are sufficient to allow safe travel for vehicle and pedestrians surrounding the conditional use. The hours of operation for crushing, processing or hauling aggregate do not significantly negatively impact surrounding uses in existence at the time the conditional use is granted. There may be restrictions on the hours of operation and roads available for the conditional use in areas where there are schools or residences in close proximity to the operation.
  19. The request meets the applicable county codes.
  20. Dust shall be controlled to St. George City standards.
  21. Blasting hours shall be between the hours of 9:00 am to 3:00 pm only.
  22. Sound shall not impact surrounding areas and shall be during operating hours only.
  23. Proof of water for site must be submitted.
  24. Traffic shall not negatively impact Highway 91 or other traveled routes.
  25. A plan of reclamation shall be met.
  26. Additional signage shall be installed indicating large trucks along haul routes.
  27. The applicant must follow all State, Federal and Local laws.
- Commissioner Stucki **SECONDED**. Chairman Wilson called for discussion on the motion. There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

**III. CONDITIONAL USE PERMIT.** Review of Accessory Dwelling in connection with a new home on Parcel GMSR-10-HV, which is Lot 10 of Grassy Meadows Sky Ranch Subdivision. Located at 4085 South 1200 West near Hurricane. Zoned RA-1 (Residential Agricultural 1 acre minimum lot size); Applicant: Richard Cutts.

Mr. Messel reported Richard Cutts, the owner of Parcel GMSR-10-HV, which is Lot 10 of Grassy Meadows Sky Ranch Subdivision, has submitted plans for a building permit to construct a single family dwelling with a casita and a hangar. The casita is considered an accessory dwelling and requires planning commission approval (10-13-18). The detached casita is accessed from a courtyard and tied into the main dwelling via a pergola, beam style roof over the court yard. The casita has a full bathroom and a large room, with a kitchen and closet. Washington County Code 10-13-18-B-6 states, "An accessory dwelling unit shall not be leased or rented independent of the primary residence. A deed restriction in a form approved by the County, prohibiting the lease or rental of the accessory dwelling unit shall be recorded against the deed by the property owner..."

**Recommendation:**

Staff has reviewed and recommends that the Planning Commission approve the conditional use permit for an accessory dwelling based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the RA-1 (Residential Agricultural 1 acre minimum lot size) zone.
2. The request meets the applicable county codes.
3. Other accessory dwellings have been approved in the area.
4. The conditional use was properly noticed.
5. That the above mentioned deed restriction be recorded.

Commissioner Everett asked if there is an existing home on the property. Mr. Messel stated not at this time, plans are currently going through the review process with the building department.

Commissioner Ford asked about fuel storage on the property and how it is handled. Mr. Messel stated he did not know. Mr. Clark stated the County does not have any regulations as far as fuel storage. There may be State regulations they have to follow. It would be like a farmer storing fuel on his property.

A short discussion regarding fuel storage and regulations took place.

Terry Watson reported to the commission that he is the designer and project manager representing Mr. Cutts. There will be no fuel storage on the property or in the hangar. The CC&R's do not allow for fuel stations on the properties nor in the hangar. The hangars are only for the storage of the aircraft, which according to the CC&R's, aircraft is not allowed to be stored outside. The aircraft would fuel at either the St. George or Hurricane airport or some other outside fueling station.

Mr. Watson explained why the applicant is building the casita. He is a Colonel in the Air Force and getting ready to retire but has friends and family who will be coming through and staying with them and he wanted a place for the guests to have some privacy.

A short discussion on the accessory dwelling and the reason it is considered an accessory dwelling occurred. It was pointed out that the accessory dwelling is not attached by a common wall to the main dwelling and therefore, the reason for the conditional use permit request.

**MOTION:** Commissioner Balen **MOVED** to approve the conditional use permit for an Accessory Dwelling in connection with a new home on Parcel GMSR-10-HV, which is Lot 10 of Grassy Meadows Sky Ranch Subdivision. Located at 4085 South 1200 West near Hurricane. Zoned RA-1 (Residential Agricultural 1 acre minimum lot size); Applicant: Richard Cutts; based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the RA-1 (Residential Agricultural 1 acre minimum lot size) zone.
2. The request meets the applicable county codes.
3. Other accessory dwellings have been approved in the area.
4. The conditional use was properly noticed.
5. That the deed restriction be recorded on the property.

Commissioner Jones **SECONDED**. Chairman Wilson called for discussion on the motion. There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

**IV. CONDITIONAL USE PERMIT.** Review of Accessory Dwelling in connection with a new home on Parcel 3014-C-1-NS, which is located at 352 North 900 East in New Harmony. Zoned A-20 (Agricultural 20 acre minimum lot size); Applicant: Allan Smail.

Mr. Messel reported Allan Smail, the owner of Parcel 3014-C-1-NS has submitted plans to construct a single family dwelling and a detached garage with a full bath. A single family dwelling is a conditional use in the A-20 (Agricultural 20 acre minimum lot size) zone. The conditional use was reviewed and approved by staff in the August 5, 2014 Land Use Authority Staff Meeting. County Code requires that a conditional use for an accessory dwelling must be approved by the Planning Commission (10-13-18). The living area will be approximately 600 sq. ft. of the total 2,099 sq. ft. building. Washington County Code 10-13-18-B-6 states, "An accessory dwelling unit shall not be leased or rented independent of the primary residence. A deed restriction in a form approved by the county, prohibiting the lease or rental of the accessory dwelling unit shall be recorded against the deed by the property owner..."

**Recommendation:**

Staff has reviewed and recommends that the Planning Commission approve the conditional use permit for an accessory dwelling based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the A-20 (Agricultural 20 acre minimum lot size) zone.
2. The request meets the applicable county codes.
3. Other accessory dwellings have been approved in the area.
4. The conditional use was properly noticed.
5. That the above mentioned deed restriction be recorded.

Commissioner Stucki stated the use has been reported as storage but the blue prints show living area which makes him nervous.

Allan Smail stated he has no intention of using the structure for living space. When the construction drawings were created, the program automatically put the "living area" on the plan. He has a lot of items, i.e. an RV, paddle boats, kayaks, carpets, furniture, and other household items and he needs a place to put them. He was originally going to put in just the sink and toilet but then added the bathtub for his wife to use for soaking potted plants, washing animals, and those types of uses. He reiterated the building is for storage only.

Mr. Gardner stated if this is approved as an accessory dwelling, then Mr. Smail can utilize the rooms for living space. That is the reason he is here; for conditional use permit for an accessory dwelling. However, because ingress/egress from the garage is not allowed, the plans would need to be modified.

A discussion on the differences between an accessory dwelling and an accessory building occurred. Mr. Smail repeated he will not use this for living area. Mr. Smail was advised that with the approval for the bath in the garage he could, if he chose to and with some modifications to the storage room ingress/egress, utilize the building as livable space.

A lengthy discussion regarding accessory dwellings and requirements occurred after which, Chairman Wilson called for a motion.

**MOTION:** Commissioner Ford MOVED to approve the conditional use permit for an Accessory Dwelling in connection with a new home on Parcel 3014-C-1-NS, which is located at 352 North 900 East in New Harmony. Zoned A-20 (Agricultural 20 acre minimum lot size); Applicant: Allan Smail; based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the A-20 (Agricultural 20 acre minimum lot size) zone.
2. The request meets the applicable county codes.
3. Other accessory dwellings have been approved in the area.

- 4. The conditional use was properly noticed.**
  - 5. That the above mentioned deed restriction be recorded.**
- Commissioner Balen SECONDED. Chairman Wilson called for discussion on the motion. There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.**

**V. CONDITIONAL USE PERMIT.** Review of family recreation/retreat located on Parcels BSH-37-NW and BSH-38-NW in the Brookside Summer Homes Subdivision at approximately 200 South Stage Coach Drive in Brookside. Zoned RE-40 (Residential Estate 40,000 square foot minimum lot size); Applicant: Randy and Tammy Paul.

Mr. Messel stated Randy Paul, the owner of Parcels BSH-37-NW and BSH-38-NW, which are located in the Brookside Summer Homes Subdivision, has submitted a conditional use application. Each parcel is approximately 2 acres in size. Mr. Paul is an artist. He builds playhouses, tree-houses, and fantasy type structures that you might see at Disneyland or a themed hotel. Please refer to submitted photos of some of the work that he has done. In the photos, you will see a tree house structure that he built for Jeremy Johnson. Mr. Paul plans to build a house on his property in the future; however, at this time, he desires to build several play structures on the properties for his kids and grandkids entertainment. He has already built a play house that is fake rock and blends into the existing rocks on the property. After review, it is Staff's opinion that the unique proposal be reviewed using County Code 10-8D-3: CONDITIONAL USES, which states, "Any use similar to the above and judged by the Planning Commission to be in harmony with the character and intent of this zone". The Planning Commission needs to determine if the proposed use is appropriate.

**Recommendation:**

Staff has reviewed the proposal and recommends that the Planning Commission approve the conditional use permit based on the following findings and conditions:

1. The proposal is in harmony with the character and intent of the RE-40.0 (Residential Estate 40,000 square foot minimum lot size) zone.
2. Similar projects that the applicant has built are located in high-end residential developments.
3. The conditional use was properly noticed.
4. That the structure be for private use only and not for commercial use.
5. That if the structures become neglected or in disrepair that they be removed.

Commissioner Stucki asked if any restroom facilities were located on the property. Mr. Messel explained the septic tank has been installed. The Southwest Public Health Department has approved a port-a-pottie type chair that can be used and then disposed of into the septic system.

Commissioner Stucki stated it sounds like a pavilion. Mr. Mess concurred noting it could be considered as such, or as a playground type of use.

The commission and staff discussed the intended use of the property. Staff thought it would be appropriate to bring it to the commission for approval. Chairman Wilson asked about the materials being used. It was determinate to be cement/gunite and a skeleton rebar type of frame.

Randy Paul explained the type of material he uses on the structures. He wants to build a home on the property at some time in the future but right now, he and his family go camp on the property and have fun. He asked the commission to approve the conditional use permit request.

Chairman Wilson expressed his concern with the two lots in the future. The structures should meet the setbacks for each lot. If the use is approved, then the motion for approval should include the structures meeting the lot line setback requirements.

Commissioner Everett asked why this item was coming to the planning commission. Mr. Messel answered it was because staff wanted to make sure everything was addressed. Currently, there is nothing specified in the ordinances for this type of use and if we allowed these to be built and then complaints were made, staff would need to address the issue. We thought it better to do it upfront in the event problems arose.

Kurt Gardner stated the applicant wants to construct these “accessory buildings” however, there is no main dwelling for them to be accessory to.

Commissioner Stucki stated these are playhouses so why is it here. Mr. Gardner answered the applicant will be using the structure for storage.

Commissioner Jones asked what the square footage was for a building before a permit was needed. Mr. Gardner informed him it was 200 sq. ft. However, any building on a property is an “accessory” to a primary building. There is no primary located building on these two properties.

Mr. Gardner explained the requirements for a building permit. The commission and staff discussed the use and the reason why this item was brought to the commission. Mr. Messel stated this item was properly noticed and there has been no opposition to the request. If the commission is comfortable with the use, they could grant conditional use permit for this use.

Chairman Wilson called for a motion.

**MOTION: Commissioner Balen MOVED to approve the conditional use permit for family recreation/retreat located on Parcels BSH-37-NW and BSH-38-NW in the Brookside Summer Homes Subdivision at approximately 200 South Stage Coach Drive in Brookside. Zoned RE-40 (Residential Estate 40,000 square foot minimum lot size); Applicant: Randy and Tammy Paul based on the following findings and conditions:**

- 1. The proposal is in harmony with the character and intent of the RE-40 (Residential Estate 40,000 square foot minimum lot size) zone.**
- 2. Similar projects that the applicant has built are located in high-end residential developments.**
- 3. The conditional use was properly noticed.**
- 4. That the structure be for private use only and not for commercial use.**
- 5. That if the structures become neglected or in disrepair that they be removed.**
- 6. All structures shall meet the lot line setback requirements for both properties.**

**Commissioner Jones SECONDED. Chairman Wilson called for discussion on the motion. He asked if commission wanted to include in the motion that the structures meet lot line setbacks. Commissioner Balen concurred and amended the motion to include the set back requirement. Commissioner Jones approved the amendment after which, Chairman Wilson called for a vote. The motion carried with all six (6) Commissioners voting in favor.**

Chairman Wilson stated he would like to have the planning commission review the ordinance to allow accessory dwellings on properties without a main building on it. A short discussion took place where



Mr. Clark advised the commission that is something that should be looked at in another meeting where the public would be able to comment.

**VI. CONDITIONAL USE PERMIT.** Review of private recreation grounds and facilities located on Parcel 7126-1-NW, which is approximately 160 acres on Baker Dam Road east of Brookside. Zoned OST 20 (Open Space Transition 20 acre minimum lot size); Applicant: Holmstead Ranch LLC/Monte Holm.

Mr. Messel stated Monte Holm submitted a conditional use permit application for private recreation grounds and facilities on Parcel 7126-1-NW, which is approximately 160 acres and located on Baker Dam Road near Brookside. The proposal is for 10 cabinettes, a caretaker cabin, a main house, pavilion, pool and pool house with a canning kitchen, R.V. and tent pads, sport courts, and a lake. The project is not for commercial use, but rather for family and guests. Construction plans and building plans will be reviewed once conditional use approval is granted.

**Recommendation:**

Staff has reviewed the proposal and recommends that the Planning Commission approve the conditional use permit based on the following findings and conditions:

1. The proposal is a conditional use in the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
2. The proposal is in harmony with the character and intent of the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
3. The conditional use was properly noticed.
4. That the grounds and facilities are for private use only; not for commercial use.
5. That all applicable construction standards and building codes be met.

The commission discussed the location and who the former owners of the property were and how the property was developed.

Mr. Messel explained the property and the plans the applicant had for amenities and the proposed buildings.

Monte Holm stated his family trust owns the property. He wants to build a home and move there. He explained the layout of the property and the development plan. The property would be utilized for family gatherings such as reunions. Friends will also visit and stay there free of charge. This will not be for commercial or monetary gain.

Commissioner Balen asked where the water came from. Did they buy the Feller's water shares? Mr. Holm answered they did buy the Feller's water shares and more from some of the neighbors.

Commissioner Ford commented that you own the water but is it there? Mr. Holm answered it is owned and it is there. Commissioner Ford then asked if it was underground. Mr. Holm reported they own three springs that run several miles through BLM ground that brings 50 to 75 gallons per minute. They also own some underground water.

Commissioner Everett asked if the property was fenced. Mr. Holm yes it is fenced and gated, and will remain so.

Chairman Wilson clarified the approval is for the concept plan and the buildings would then be approved by the building department. Mr. Messel stated yes that approval is for the concept family recreation grounds.

A brief discussion regarding the property and types of buildings took place; after which, Chairman Wilson called for a motion.

**MOTION:** Commissioner Stucki **MOVED** to approve the conditional use permit request for private recreation grounds and facilities located on Parcel 7126-1-NW, which is approximately 160 acres on Baker Dam Road east of Brookside. Zoned OST 20 (Open Space Transition 20 acre minimum lot size) zone; Applicant: Holmstead Ranch LLC/Monte Holm, based on the following findings and conditions:

1. The proposal is a conditional use in the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
2. The proposal is in harmony with the character and intent of the OST-20 (Open Space Transition 20 acre minimum lot size) zone.
3. The conditional use was properly noticed.
4. That the grounds and facilities are for private use only; not for commercial use.
5. That all applicable construction standards and building codes be met.

Commissioner Christopher **SECONDED**. Chairman Wilson called for discussion on the motion. There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

**VII. ORDINANCE AMENDMENT.** Consideration of new ordinance, Title 10, Chapter 26, HOME OCCUPATION, and amending applicable definitions and sections. Making it possible for home based businesses to use accessory buildings; creating and defining Minor and Major Home Occupation.

Mr. Messel reported the work meeting held July 22, 2014 seemed to be productive. One of the things he did was go through the ordinance, modified it, and then emailed it out to everyone for review. That modified document was reviewed at the work meeting. Also in attendance at that meeting was a citizen who provided some input. We went through the document pretty much line by line and made changes and corrections. After the meeting, he made those recommended changes to the Home Occupation Ordinance and has now brought it back for approval.

After the July 22<sup>nd</sup> meeting, he received comments from Commissioner Stucki. However, those comments were not incorporated in the new draft. The commission may want to discuss those comments today. There were some questions as far as which types of business should or should not be required to obtain a business license. Mr. Clark stated in Title 3 of the Washington County Code, which is outside the scope of the planning commission, there are definitions of what business is and the business license requirements. Every business that operates in the County is required to get a business license. He asked how the commission wanted to proceed.

The commissioners all concurred that they wanted to review Commissioner Stucki's comments before approving the new ordinance.

**MOTION:** Commissioner Ford **MOVED** to table recommendation to the County Commission to approve and adopt the amendments to Washington County Zoning Ordinances Creating Title 10, Chapter 26 HOME OCCUPATION. Commissioner Stucki **SECONDED**. Chairman Wilson called for discussion on the motion. There being none, he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

The commission discussed a few of Commissioner Stucki's comments and scheduled a work meeting for Tuesday September 2, 2014 at 1:30 pm in the Planning Department conference room.

**VIII. STAFF DECISIONS.** Decisions from the Land Use Authority Staff Meeting held on August 05, 2014.

Mr. Messel reported on the Land Use Authority Staff Meeting held on August 05, 2014 that included the conditional uses listed above and approval for a new dwelling in an A-20 (Agricultural 20 acre minimum lot size) zone in New Harmony for Stephen Sorensen. They also reviewed two Special Events Walk 4 Water and Red Rock Relay, which were approved.

**IX. MINUTES.** Consider approval of the minutes of the regular planning commission meetings held on July 08, and July 22, 2014.

The commission reviewed the July 08 and 22, 2014 minutes.

**MOTION:** Commissioner Everett MOVED to approve the minutes of the July 08, 2014 meeting as written. Commissioner Ford SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

**MOTION:** Commissioner Christopher MOVED to approve the minutes of the July 22, 2014 meeting as written. Commissioner Everett SECONDED. Chairman Wilson called for discussion on the motion. There being none he called for a vote. The motion carried with all six (6) Commissioners voting in favor.

**X. COUNTY COMMISSION ACTION REVIEW.** Review of action taken by the County Commission on planning items; County initiated.

Mr. Messel stated there is nothing to report.

**XI. COMMISSION & STAFF REPORTS.** General reporting on various topics; County initiated.

Mr. Clark stated in the last planning staff meeting two applicants came in asking for conditional use permit to build new homes on 20 acre parcels in New Harmony. The zoning is A-20 which is Agricultural 20 acre minimum lot sizes. Under the Ag zone, building a house is not a permitted use, it is a conditional use. The way the code reads, to approve a residence, it would be required to be used in connection with the permitted use. He asked for guidance on approving these requests. Whether to ask what the connection to the permitted use is and making the applicants prove it or should the ordinance be amended to make it a permitted use. In the past, the requests have been approved without making the applicants prove the use was in relation to the Ag. requirements.

The commissioners stated they want to amend the ordinance to allow for single family homes in the A-20 zone and requested staff to bring an amended copy to them for review.

**Commissioner Everett moved to adjourn the meeting at 3:00 p.m.**

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Doreen Bowers-Irons, Planning Secretary

Approved: 09 September 2014